

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
<i>ex rel.</i> TRACY GARSTKA, <i>et al.</i> ,	§	Civil Action No. 3-11-cv-0486-P
	§	
Plaintiffs,	§	
	§	<u>FILED IN SEALED CASE</u>
v.	§	
	§	
MEDTRONIC, INC., d/b/a MEDTRONIC	§	
DIABETES, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER GRANTING STIPULATED PARTIAL DISMISSAL OF CIVIL ACTION

The Court having considered the Joint Stipulation of Partial Dismissal of Civil Action filed by plaintiffs United States of America (Government) relators Tracy Garstka and Kimberlie Figg (collectively “relator”), pursuant to FED. R. CIV. P. 41(a)(1)(ii) and 31 U.S.C. § 3730(b)(1), and good cause having been shown,

IT IS HEREBY ORDERED that:


1. Relator’s claims against defendants Medtronic, Inc. d/b/a Medtronic Diabetes and Medtronic Minimed, Inc. d/b/a Medtronic Diabetes, Inc. (collectively, “Medtronic”) are dismissed with prejudice as to relator only; and
2. The Government’s claims against Medtronic, defined as “Covered Conduct” in the Settlement Agreement, are dismissed with prejudice. Since the Government consents to their dismissal, all other claims in this case belonging to the government against

Medtronic, only, are hereby dismissed without prejudice;

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce the terms and conditions of the settlement agreement between the Government, relator, and Medtronic and to adjudicate any suits alleging breach of the settlement agreement, or any claims against the remaining non-Medtronic defendants or related claims;

IT IS FURTHER ORDERED that upon final resolution of the plaintiff-States' anticipated settlement with Medtronic, the seal in this case shall be lifted as to the amended complaint, the notices of partial intervention, any stipulated dismissals, and accompanying Orders, only. Until such filings occur, all sealed materials shall remain under seal and not be made public pursuant to L.R. 79.4 or otherwise, consistent with this Order and the Court's prior Orders.

SO ORDERED this 27th day of September 2013.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE